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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,977	09/29/2000	Frank P. Hart	042390.P9730	1730

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EXAMINER

DU, THUAN N

ART UNIT PAPER NUMBER

2116

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,977

Applicant(s)

HART ET AL.

Examiner

Thuan N. Du

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8,10-14,27 and 31-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,10-14,27 and 31-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment (dated 7/5/05).
2. Claims 4, 9, 15-26 and 28-30 have been cancelled. Claims 31-35 have been added. Claims 1-3, 5-8, 10-14, 27 and 31-35 are presented for examination.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

4. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 1 recites the limitation "the operating system" in line 7. There is insufficient antecedent basis for this limitation in the claim.
6. Claims 2-3 and 5-7 are also rejected for incorporating the above deficiency by dependency.

Claim Rejections - 35 USC § 101

7. Claims 12-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 12 is not limited to tangible embodiments. In view of Applicant's disclosure, specification page 5, lines 5-10, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g. ROM, RAM, magnetic disk storage media, optical storage media, etc.) and intangible embodiments (e.g. carrier waves, infrared signals, digital signals, etc.). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

Examiner suggests that the paragraph in the specification page 5, line 5, should be amended as follow: "A machine-readable medium is understood to include any mechanism for storing information in a form readable by a machine (e.g., a computer) such as read only memory (ROM); random access memory (RAM); magnetic disk storage media; optical storage media; flash memory devices; electrical, optical, acoustical; as well as for transmitting information in a form of propagated signals such as carrier waves, infrared signals, digital signals, etc."

Claim Rejections - 35 USC § 103

8. Claims 1-3, 5-8, 10-14, 27 and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Panas et al. [Panas] (U.S. Patent No. 6,473,857) and Croll (U.S. Patent No. 5,367,688)¹.

9. Regarding claims 1, 8, and 10-11, Panas teaches a method for booting a subsystem (IOP) comprising the steps of:

retrieving a subsystem boot indicator [col.19, lines 2-8]; and

transferring information to the subsystem based on the subsystem boot indicator [col. 19, lines 11-37].

wherein a main system (HBC) coupled with the subsystem (IOP) [Fig. 4; col. 7, lines 57-58; col. 8, lines 41-42] and an operating system (operating system 124) [Fig. 2].

Panas does not explicitly teach the transferring the information to the subsystem is performed without involvement of a main operating system.

Croll teaches a system for booting a subsystem comprising the step of transferring boot image from the host system to the subsystem without involvement of the host operating system [col. 6, line 1-7], wherein a main system (host 12) coupled with the subsystem (node 11) via link 13 [Fig. 1] and an operating system (OS 32 or OS 21) [Fig. 1].

¹ Panas and Croll are cited in the previous office action.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Panas and Croll because they both teach system for booting up a subsystem. Croll's teaching of transferring the boot information to the subsystem without involvement of the host operating system would increase the flexibility of Panas' system by allowing the host OS to be free to respond other requests from other subsystems.

10. Regarding claim 2, Panas teaches the subsystem boot indicator is located in a non-volatile storage device (CMA) [col. 19, lines 3-5].

11. Regarding claim 3, Panas teaches the non-volatile storage device is located within the subsystem [col. 19, line 3-5].

12. Regarding claims 5 and 6, it is the matter of design choice to use a bus or a communication link for transferring the information to the subsystem having a bus width or bandwidth less than that of the main system

13. Regarding claim 7, Panas teaches the information transferred to the subsystem is transferred to a memory accessible by the subsystem [col. 19, lines 26-34, 46-48].

14. Regarding claims 12-14, Panas and Croll together teach the claimed method steps. Therefore, Panas and Croll together teach the instructions for carrying out the claimed method steps.

15. Regarding claims 27 and 31-35, Panas and Croll together teach the claimed method steps. Therefore, Panas and Croll together teach the apparatus to implement the claimed method steps.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday-Friday: 9:30 AM - 6:00 PM, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (571) 272-3670.

Central TC telephone number is (571) 272-2100.

The fax number for the organization is (571) 273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

A handwritten signature in black ink, appearing to read 'Thuan N. Du', with a stylized flourish extending to the right.

Thuan N. Du
September 12, 2005